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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/656,068	09/05/2003	Robert J. Levy	CHOP.0100.1	8339
110	7590	10/28/2005	EXAMINER	
DANN, DORFMAN, HERRELL & SKILLMAN 1601 MARKET STREET SUITE 2400 PHILADELPHIA, PA 19103-2307			PRIEBE, SCOTT DAVID	
			ART UNIT	PAPER NUMBER
			1633	

DATE MAILED: 10/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/656,068

Applicant(s)

LEVY ET AL.

Examiner

Scott D. Priebe, Ph.D.

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1633

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 34-66 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 34-66 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 35, 40, 46, 51, 60, and 65, drawn to a method for enhancing delivery of a nucleic acid encoding a polypeptide to a cell using denatured collagen, classified in class 435, subclass 455.
- II. Claims 35, 46, and 60, drawn to a method for enhancing delivery of a nucleic acid encoding a polypeptide to a cell using a cytochalasin, classified in class 435, subclass 455.
- III. Claims 37, 38, 48, 49, 62, and 63, drawn to a method for enhancing delivery of a nucleic acid encoding a polypeptide to a cell using a modulator of integrin $\alpha_v\beta_3$, classified in class 435, subclass 455.
- IV. Claims 37, 48, and 62, drawn to a method for enhancing delivery of a nucleic acid encoding a polypeptide to a cell using a modulator of integrin $\alpha_2\beta_1$, classified in class 435, subclass 455.
- V. Claims 37, 48, and 62, drawn to a method for enhancing delivery of a nucleic acid encoding a polypeptide to a cell using a modulator of integrin $\alpha_8\beta_1$, classified in class 435, subclass 455.
- VI. Claims 37, 48, and 62, drawn to a method for enhancing delivery of a nucleic acid encoding a polypeptide to a cell using a modulator of integrin $\alpha_9\beta_1$, classified in class 435, subclass 455.

- VII. Claims 37, 48, and 62, drawn to a method for enhancing delivery of a nucleic acid encoding a polypeptide to a cell using a modulator of integrin $\alpha_9\beta_3$, classified in class 435, subclass 455.
- VIII. Claims 37, 48, and 62, drawn to a method for enhancing delivery of a nucleic acid encoding a polypeptide to a cell using a modulator of integrin $\alpha_v\beta_6$, classified in class 435, subclass 455.
- IX. Claims 35, 46, and 60, drawn to a method for enhancing delivery of a nucleic acid encoding a polypeptide to a cell using an ion channel blocker, classified in class 435, subclass 455.
- X. Claims 35, 46, and 60, drawn to a method for enhancing delivery of a nucleic acid encoding a polypeptide to a cell using a beryllium fluoride or cadmium salt, classified in class 435, subclass 455.
- XI. Claims 36, 47, and 61, drawn to a method for enhancing delivery of a nucleic acid encoding a polypeptide to a cell using a modulator of Erk1/Srf complex, classified in class 435, subclass 455.
- XII. Claims 36, 47, and 61, drawn to a method for enhancing delivery of a nucleic acid encoding a polypeptide to a cell using a modulator of JNK activated AP-1 complex, classified in class 435, subclass 455.
- XIII. Claims 39, 50, and 64, drawn to a method for enhancing delivery of a nucleic acid encoding a polypeptide to a cell using a modulator of Fak, classified in class 435, subclass 455.

- XIV. Claims 39, 50, and 64, drawn to a method for enhancing delivery of a nucleic acid encoding a polypeptide to a cell using a modulator of Src, classified in class 435, subclass 455.
- XV. Claims 39, 50, and 64, drawn to a method for enhancing delivery of a nucleic acid encoding a polypeptide to a cell using a modulator of Grb2, classified in class 435, subclass 455.
- XVI. Claims 39, 50, and 64, drawn to a method for enhancing delivery of a nucleic acid encoding a polypeptide to a cell using a modulator of Ras, classified in class 435, subclass 455.
- XVII. Claims 39, 50, and 64, drawn to a method for enhancing delivery of a nucleic acid encoding a polypeptide to a cell using a modulator of Sos, classified in class 435, subclass 455.
- XVIII. Claims 39, 50, and 64, drawn to a method for enhancing delivery of a nucleic acid encoding a polypeptide to a cell using a modulator of Raf, classified in class 435, subclass 455.
- XIX. Claims 39, 50, and 64, drawn to a method for enhancing delivery of a nucleic acid encoding a polypeptide to a cell using a modulator of Cav, classified in class 435, subclass 455.
- XX. Claims 39, 50, and 64, drawn to a method for enhancing delivery of a nucleic acid encoding a polypeptide to a cell using a modulator of Shc, classified in class 435, subclass 455.

- XXI. Claims 39, 50, and 64, drawn to a method for enhancing delivery of a nucleic acid encoding a polypeptide to a cell using a modulator of Cdc42, classified in class 435, subclass 455.
- XXII. Claims 39, 50, and 64, drawn to a method for enhancing delivery of a nucleic acid encoding a polypeptide to a cell using a modulator of Rac, classified in class 435, subclass 455.
- XXIII. Claims 39, 50, and 64, drawn to a method for enhancing delivery of a nucleic acid encoding a polypeptide to a cell using a modulator of RhoA, classified in class 435, subclass 455.
- XXIV. Claims 39, 50, and 64, drawn to a method for enhancing delivery of a nucleic acid encoding a polypeptide to a cell using a modulator of MEK, classified in class 435, subclass 455.
- XXV. Claims 39, 50, and 64, drawn to a method for enhancing delivery of a nucleic acid encoding a polypeptide to a cell using a modulator of MAPK, classified in class 435, subclass 455.
- XXVI. Claims 39, 50, and 64, drawn to a method for enhancing delivery of a nucleic acid encoding a polypeptide to a cell using a modulator of ERK1, classified in class 435, subclass 455.
- XXVII. Claims 39, 50, and 64, drawn to a method for enhancing delivery of a nucleic acid encoding a polypeptide to a cell using a modulator of ERK2, classified in class 435, subclass 455.

The inventions are distinct, each from the other because of the following reasons:

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Although there are no provisions under the section for "Relationship of Inventions" in MPEP 86.05 for inventive groups that are directed to different methods or products, restriction is deemed to be proper because these methods appear to constitute patentably distinct inventions for the following reasons:

Each of the inventions of I-XXVII are directed different agents which lead to a common effect - enhancing cytoskeletal permissiveness for transfection. Each agent differs structurally and functionally from every other method and achieves the common effect by a different mechanism. The search and examination of each group requires a search of a separate agent, which is not required for search and examination of any of the other groups. Consequently there would be a serious burden at least with respect to the search of more than one of the inventions listed above.

Because these inventions are distinct for the reasons given above and the search required for each group is not required for any other group, restriction for examination purposes as indicated is proper.

Claims 34, 41-45, 52-59 and 66 link(s) inventions I-XXVII. The restriction requirement among the linked inventions is subject to the nonallowance of the linking claim(s), claims 34, 41-45, 52-59 and 66. Claims 35, 46, and 60 link(s) inventions III-VIII. The restriction requirement among the linked inventions is subject to the nonallowance of the linking claim(s), claims 35, 46, and 60. Claims 35, 46, and 60 link(s) inventions XIII-XXVII. The restriction requirement among the linked inventions is subject to the nonallowance of the linking claim(s), claims 35, 46, and 60.

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Upon the allowance of the linking claim(s), the restriction requirement as to the linked inventions shall be withdrawn and any claim(s) depending from or otherwise including all the limitations of the allowable linking claim(s) will be entitled to examination in the instant application. Applicant(s) are advised that if any such claim(s) depending from or including all the limitations of the allowable linking claim(s) is/are presented in a continuation or divisional application, the claims of the continuation or divisional application may be subject to provisional statutory and/or nonstatutory double patenting rejections over the claims of the instant application. Where a restriction requirement is withdrawn, the provisions of 35 U.S.C. 121 are no longer applicable. *In re Ziegler*, 44 F.2d 1211, 1215, 170 USPQ 129, 131-32 (CCPA 1971). See also MPEP § 804.01.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

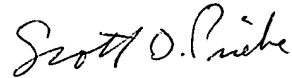
Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott D. Priebe, Ph.D. whose telephone number is (571) 272-0733. The examiner can normally be reached on M-F, 8:00-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dave Nguyen can be reached on (571) 272-0731. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in cursive script that reads "Scott D. Priebe".

Scott D. Priebe, Ph.D.
Primary Examiner
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